

Remarks

Reconsideration of remaining claims 1-9, 11-18 and 20-30 is respectfully requested.

In the Office action dated March 12, 2004 (application Paper No. 3), the Examiner objected to selected claims and rejected all claims under 35 USC §§ 102(e) or 103(a). The Examiner's objections and rejections will be discussed below in the order appearing in the Office action.

Claim Objections

The Examiner first cited claims 1, 2, 9 and 10 as containing various "informalities". In response, applicant has amended claims 1, 2 and 9 and has cancelled claim 10. It is believed that with these amendments claims 1, 2 and 9 are now in condition for allowance and no longer objectionable.

35 USC § 102(e) Rejection - Claims 1, 2, 7, 11-14, 16-20 and 22-25

The above-cited group of claims was rejected by the Examiner under 35 USC 102(e) as being anticipated by US Patent 5,796,394 (Wicks et al.). In particular, the Examiner cited Wicks et al. as teaching "a subscriber location" and "broadband networks", using a "base station" to communicate therebetween. In response, applicants have amended various ones of the pending claims to precisely define the ability of the method or system of the present invention to simultaneously allow for the viewing of various "enhanced telephony services" on a display device (e.g., television) with conventional broadcast programming. Support for this amendment may be found in the specification, which states at page 6, beginning at line 12, "An exemplary menu 200

denoting a set of advanced features is displayed as part of the video display, with conventional TV programming 205 being concurrently displayed with menu 200. In this manner, a subscriber may be viewing a television show and, simultaneously, decide to check voice mail, look up a telephone number in his personal directory, or initiate any of the other illustrated functions". Further discussion is found at page 9, beginning at line 6, which states: "[I]n an alternative mode of the present invention, the enhanced telephony services manager can be used to notify a subscriber of "events", such as an incoming telephone call, while the subscriber is viewing a television program or is otherwise in communication with head end 100. Referring to FIG. 6A, an event notifier screen 610 appears across the bottom of the display, in this case indicating an incoming voice call".

Applicants assert that no such system/method enabling simultaneous interaction with television programming and enhanced telephony services is disclosed or suggested by Wicks et al. Referring to FIG. 1 of Wicks et al., base station 108 is illustrated as a type of local "router", for directing various ones of incoming communication services to the proper receiving device. No concurrent/simultaneous viewing of television and telephony services is disclosed or suggested by Wicks et al.

Based on the above discussion and the amendments to the claims, applicants thus assert that Wicks et al. cannot be found to "anticipate" the subject matter of the present invention and respectively request the Examiner to reconsider this rejection and find the cited claims to be allowable.

35 USC § 102(e) Rejection - Claims 32-35

The Examiner next rejected claims 32-35 under 35 USC 102(e) as anticipated by US Patent 5,946,386 (Rogers). Inasmuch as claims 32-35 have been cancelled from this application, this particular rejection need not be addressed.

35 USC § 103(a) Rejection - Claims 3-6, 15 and 26-31

Claims 3-6, 15 and 26-31 were next rejected by the Examiner under 35 USC 103(a) as being unpatentable over the combination of Wicks et al. and Rogers. Rogers was cited in particular for its teaching of a call management system and the capability to route incoming messages to various ones of individuals within a personal directory as controlled by a local personal computer.

Regardless of the teaching of Rogers, applicants assert that the combination of Wicks et al. and Rogers still lacks any teaching of providing telephony and telecommunication services over a communication network such that both services are “simultaneously displayed” on a single “display device” at a residential location. Without this teaching, it is believed that Wicks et al. and Rogers cannot be found to render obvious the subject matter of claims 3-6, 15 and 26-31. Applicants therefore respectfully request the Examiner to reconsider this rejection and find the cited claims (as amended) to be in condition for allowance.

35 USC § 103(a) Rejection - Claims 8-10 and 21

Lastly, claims 8-10 and 21 were rejected by the Examiner under 35 USC 103(a) as being unpatentable over Wicks et al. in view of US Patent 5,651,054 (Dunn et al.). The Examiner cited Dunn et al. as teaching the provision of “real time incoming message information”. FIG. 5 of Dunn et al. contains an exemplary display of call functions as may be displayed on a television monitor. However, there is no disclosure of simultaneously viewing an ongoing television program with the viewing of such a display. Thus, applicants assert that the combination of Wicks et al. and Dunn et al.

cannot be found to render obvious the teaching of the present invention as defined by claims 8, 9 and 21 (claim 10 having been cancelled). Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 8, 9 and 21 to be in condition for allowance.

Applicants believe that the case, in its present form, is now in condition for allowance and respectfully requests an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

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